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13. ABSTRACT (Maximum 200 Words) This Directive reissues DoD Directive 1322.13, dated May 9, 1984. It implements Section 503 of Title 10, United States Code. This Directive updates policy and responsibilities for identifying and taking action on institutions of higher education that either have a policy of denying, or that effectively prevents military recruiting personnel from entry to their campuses, from access to their students, or from access to student directory information.			
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Department of Defense DIRECTIVE

January 26, 1996
NUMBER 1322.13

ASD(FMP)

SUBJECT: Military Recruiting at Institutions of Higher Education

- References: (a) DoD Directive 1322.13, "Identification of Institutions of Higher Learning that Bar Recruiting Personnel from Their Premises," May 9, 1984 (hereby canceled)
- (b) Section 503 of title 10, United States Code, note
- (c) DoD Directive 8910.1-M, "DoD Procedures for Management of Information Requirements," November 1986, as authorized by DoD Directive 8910.1, June 11, 1993

A. REISSUANCE AND PURPOSE

This Directive:

1. Reissues reference (a).
2. Implements reference (b).
3. Updates policy and responsibilities for identifying and taking action on institutions of higher education that either have a policy of denying, or that effectively prevents military recruiting personnel from entry to their campuses, from access to their students, or from access to student directory information.

B. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands, the Uniformed Services University of Health Sciences, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components"). The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps.

C. DEFINITIONS

1. Directory Information. Referring to a student means the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and the most recent previous educational institution enrolled in by the student.
2. Institution of Higher Education. A domestic college, university, or subelement of a university providing postsecondary school courses of study, including foreign campuses of such domestic institu-

tions. That includes junior colleges, community colleges, and institutions providing courses leading to undergraduate and post-graduate degrees. That term does not include entities that operate exclusively outside the United States, its territories, and possessions. A subelement of a university is a discrete (although not necessarily autonomous) organizational entity that establishes policy or practices affecting military recruiting and related actions covered by Section 503 of 10 U.S.C., note (reference (b)) and this Directive. For example, a subelement may be an undergraduate school, a law school, medical school, or graduate school of arts and sciences.

3. Student. An individual who is 17 years of age or older and is enrolled in an institution of higher education.

D. POLICY

It is DoD policy that:

1. Under reference (b), no funds available to the Department of Defense may be provided by grant or contract to any institution of higher education that either has a policy of denying, or that effectively prevents, the Secretary of Defense from obtaining, for military recruiting purposes, entry to campuses, access to students on campuses, or access to directory information on students. That prohibition on use of DoD funds applies only to those subelements of an institution of higher education that are determined to have such a policy or practice.

2. An evaluation to determine whether an institution of higher education has a policy of denying, or is effectively preventing, the Secretary of Defense from obtaining entry to campuses, access to students on campuses, or access to student directory information shall be undertaken when:

a. Military recruiting personnel cannot obtain permission to recruit on the premises of the institution or when they are refused directory information. Military recruiting personnel shall accommodate an institution's reasonable preferences as to times and places for scheduling on-campus recruiting, if any such restrictions are not based on the policies or practices of the Department of Defense and that the Military Services are provided entry to the campus and access to students on campus and to directory information; or,

b. The institution is unwilling to declare in writing as a prerequisite to an education and training award that the institution does not have a policy of denying, and that it does not effectively prevent, the Secretary of Defense from obtaining for military recruiting purposes entry to campuses, access to students on campuses, or access to student directory information.

c. The institution does not accept terms or conditions of a DoD contract or grant specified under paragraph E.2.b., below.

3. A determination that military recruiting personnel are denied access shall not be made when the institution does the following:

a. Excludes all employers from recruiting on the premises of the institution.

b. Permits employers to recruit on the premises of the institution only in response to an expression of student interest, and the institution:

(1) Provides the Military Services with the same opportunities to inform the students of military recruiting activities as are available to other employers.

(2) Certifies that too few students have expressed an interest to warrant accommodating military recruiters, applying the same criteria that are applicable to other employers.

c. When not providing any directory information, certifies that such information is not collected by the institution.

d. When not providing directory information for specific students, certifies that each student concerned (or his or her parent, if a 17-year-old) has formally requested the institution to withhold providing this information from military recruiting personnel for military recruiting purposes.

E. RESPONSIBILITIES

1. The Assistant Secretary of Defense for Force Management Policy, under the Under Secretary of Defense for Personnel and Readiness, shall:

a. Not later than 30 days after receipt of the name(s) of institutions of higher education under paragraphs E.4.b. and E.5.a., below:

(1) Make a final determination about the eligibility of each such institution to receive funds available to the Department of Defense by grant or contract under reference (b) and this Directive.

(2) Notify each institution determined under subparagraph E.1.a.(1), above, that it is ineligible to receive DoD funds under reference (b) and this Directive. Such notification shall reflect the basis of that determination.

(3) Disseminate the names of institutions of higher education identified under subparagraph E.1.a.(1), above, to all the DoD Components and to the General Services Administration (GSA) for inclusion in the Federal list of parties excluded from Federal procurement or nonprocurement programs.

(4) Inform each applicable institution identified under paragraph E.4.b., or E.5.a., below, that its eligibility to receive DoD funds may be restored upon the institution providing sufficient new information to enable the Assistant Secretary of Defense for Force Management Policy (ASD(FMP)) to determine that the institution provides entry to its campus(es), access to students on the campus(es), and access to directory information on students.

b. Not later than 45 days after receipt of an institution's request to restore its eligibility:

(1) Determine whether the institution is qualified to receive DoD funds under 10 U.S.C. 503, note (reference (b)), and this Directive.

(2) Inform the institution of that determination.

(3) Provide the DoD Components and GSA with the name of that institution if its eligibility has been restored.

c. Provide policy and procedures to:

(1) Cease education and training awards of DoD funds (other than those made by procurement grant or contract under paragraph E.2.a., below) to institutions identified as ineligible under subparagraph E.1.a.(1), above.

(2) Identify institutions unwilling to declare in writing, as a prerequisite to such an award of DoD funds for education and training, that the institution does not have a policy of denying, and that it does not effectively prevent, the Secretary of Defense from obtaining for military recruiting purposes entry to campuses, access to students on campuses, or access to student directory information.

d. Notify the Defense Finance and Accounting Service of institutions, under subparagraph E.1.a.(1), that either lose or regain eligibility to receive DoD funds under reference (b) and this Directive.

2. The Under Secretary of Defense for Acquisition and Technology shall establish policy and procedures to:

a. Deny DoD grant and contract awards to all institutions identified as ineligible under subparagraph E.1.a.(1), above.

b. Include terms or conditions in DoD grants and contracts awarded to institutions of higher education to make payments of DoD funds under such awards contingent on the institution's not being one so identified.

3. The Under Secretary of Defense (Comptroller)/Chief Financial Officer shall establish and promulgate financial management policies and procedures to stop or reactivate payment of DoD funds through contracts, grants, and other agreements made by the Department of Defense or other Federal Agencies to institutions identified as ineligible under subparagraph E.1.a.(1), above.

4. The Secretaries of the Military Departments shall:

a. Identify institutions that, by policy or practice, deny military recruiting personnel entry to the campus(es) of those institutions, access to their students, or access to student directory information. When repeated requests to schedule recruiting visits or to obtain directory information are unsuccessful, the Military Service concerned shall seek written confirmation of the institution's present policy from the head of the institution through a letter of inquiry. The sample letter in enclosure 1 shall be

followed as closely as possible. If written confirmation cannot be obtained, oral policy statements or attempts to obtain such statements from an appropriate official of the institution shall be documented.

b. Evaluate the responses to the letter of inquiry and of such other evidence obtained in accordance with this Directive and submit to the ASD(FMP) the names and addresses of institutions of higher education that are recommended to be declared ineligible to receive funds available to the Department of Defense under 10 U.S.C. 503, note (reference (b)), and this Directive. Full documentation shall be furnished to the ASD(FMP) for each such institution, including the institution's formal response to the letter of inquiry, or oral response or evidence showing attempts to obtain written confirmation or an oral statement of the institution's policies.

5. The Heads of the DoD Components shall:

a. Provide the ASD(FMP) with the names and addresses of institutions:

(1) Identified as ineligible as a result of implementing policies and procedures promulgated under subparagraph E.1.c.(2), above.

(2) That do not accept terms or conditions of a DoD grant or contract specified under paragraph E.2.b., above.


b. Take immediate action to deny DoD funds to institutions identified as ineligible under subparagraph E.1.a.(1), above, and to restore eligibility of institutions identified under subparagraph E.1.b.(1), above.

F. INFORMATION REQUIREMENTS

The information requirements identified at paragraphs E.4.b. and E.5.a. have been assigned Report Control Symbols DD-P&R (SA) 1386 and DD-P&R (SA) 1640, respectively, in accordance with DoD 8910.1-M (reference (c)).

G. EFFECTIVE DATE

This Directive is effective immediately.


John P. White
Deputy Secretary of Defense

Enclosure
Sample of Letter of Inquiry

SAMPLE OF LETTER OF INQUIRY

Dr. John Doe
President
XYZ College
Anywhere, USA 12345-0123

Dear Dr. Doe:

I understand that military recruiting personnel are unable to recruit on the campus of XYZ College and have been refused directory information on XYZ College students for military recruiting by official policy of the college. Section 503 of title 10 United States Code, note, prohibits grant and contract awards of DoD funds to any institution of higher education that has a policy of denying, or that effectively prevents, military recruiting personnel entry to campuses, access to students on campuses, or access to directory information on students. DoD Directive 1322.13, "Military Recruiting at Institutions of Higher Education," (date to be added) codified at 32 CFR 216, implements 10 U.S.C. 503, note. A copy of 10 U.S.C. 503, note, and of DoD Directive 1322.13 are enclosed.

Under DoD Directive 1322.13, this letter provides you an opportunity to clarify your institution's policy on military recruiting on the campus of XYZ College. In that regard, I request the official written policy of the institution regarding visits of civilian employers (public or private) and military recruiting personnel to the campus for recruiting college students, and access to directory information on students.

Based on this information, a determination shall be made by the Assistant Secretary of Defense for Force Management Policy as to your institution's eligibility to receive DoD funds by grant or contract. Should it be determined that XYZ College is not qualified to receive such funds, all current programs requiring payment to XYZ College shall be stopped, and it shall be ineligible to receive future payments of DoD funds through grants, contracts, and other applicable agreements.

I regret that this action may have to be taken. Successful recruiting requires that DoD recruiters have reasonable access to students on the campuses of colleges and universities, and at the same time to have effective relationships with the officials and student bodies of those institutions. I hope it will be possible for military recruiters to schedule recruiting visits at XYZ College in the near future. I am available to answer any questions.

Sincerely,

Enclosures